

**ORIGINAL**

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**RECEIVED**

**AUG 13 1999**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Creation of a Low  
Power Radio Service

**DOCKET FILE COPY ORIGINAL**

MM Docket No. 99-25

RM-9208

RM-9242

**Comment in Support of  
Petition for Extension of Reply Comment Deadline**

The National Association of Broadcasters ("NAB")<sup>1</sup> supports the Petition for Extension of Time filed by Greater Media, Inc. in the above-captioned proceeding. *See Petition for Extension of Time to File Reply Comments* in MM Docket 99-25, filed by Greater Media, Inc. on August 11, 1999 [hereinafter *Greater Media Petition*]. The *Greater Media Petition* requests either a sixty (60) day extension or an extension to 45 days after the release of a Notice of Proposed Rule Making for an In-Band, On-Channel ("IBOC") digital radio service, whichever is later. *Greater Media Petition* at 1.

Greater Media states that several factors warrant an extension. NAB agrees that the quickly approaching September 1, 1999 deadline is inadequate to provide enough time to digest, analyze and properly respond to the comments filed in this proceeding.

First, NAB notes that the Commission still is placing comments on its Electronic Comment Filing System ("ECFS") for downloading by individuals. At this point in time, it is difficult to tell

<sup>1</sup> NAB is a non-profit, incorporated association of radio and television stations and broadcast networks which serves and represents the American broadcasting industry.

No. of Copies rec'd  
List ABCDE

0411

if, and when, all comments will be available over the ECFS.<sup>2</sup> As of August 12, 1999, there were over 1500 comments in the docket, many of substantial size. An extension would benefit all interested parties by assuring that all timely filed comments are available with ample time to respond.

Second, in addition to NAB's receiver study, at least three other parties (the FCC included) have submitted detailed receiver test results. The issue of interference is of primary importance in this proceeding and all studies must be reviewed and analyzed. This process likely will exceed the three week window that now remains for reply comments.

The Commission's own study is an "Interim Report" that states that further testing is planned. The Commission admits that "this phase" of the study is limited "because of the need to develop some information quickly." *Second and Third Adjacent Channel Interference Study of FM Broadcast Receivers*, Interim Report, Office of Engineering and Technology, Federal Communications Commission, July 19, 1999 at 1. In this regard, NAB filed a Freedom of Information Act request on August 6, 1999, seeking information regarding the Commission's Interim Report and any other documents regarding further receiver testing.

The Commission must provide an opportunity to respond to all submitted studies and comments – and any additional FCC studies – before any final decisions are made.<sup>3</sup> The current reply comment deadline is too short to accomplish meaningful response to the technical issues

---

<sup>2</sup> Attached is a copy of an e-mail exchange between LPFM proponents who frequently discuss the LPFM proposal over the Internet on the "FRN Grapevines." Within the discussion, individuals raise concerns regarding when their comments will be posted on the ECFS.

<sup>3</sup> See e.g. *Air Transport Association of America v. Federal Aviation Administration*, No. 98-1109, slip op (D.C. Cir. Mar. 5, 1999) ("[w]e have cautioned that the most critical factual material that is used to support the agency's position on review must have been made public in the proceeding and exposed to refutation" (citation omitted)); see also *National Association of Regulatory Utility Commissioners v. F.C.C.*, 737 F.2d 1095, 1122 (C.A.D.C. 1984) ("Disclosure of staff reports allows the parties to focus on the information relied on by the agency and to point out where that information is erroneous or where the agency may be drawing improper conclusion from it").

raised by the LPFM proposal. Additionally, the Commission should not close the reply comment period without first completing its own testing and allowing interested parties to comment on its conclusions from those additional, on-going tests.

Finally, NAB fully supports the issuance of an NPRM regarding IBOC digital radio service, as well as extending the LPFM reply comment deadline so that there is opportunity to address the common technical issues in each proceeding. Many of the technical issues surrounding the proposed LPFM service also impact IBOC development. The Commission has promised a rulemaking proceeding on IBOC by this summer. *See Order* in MM Docket 99-25 at ¶ 6 (May 20, 1999). Although the Commission requested that IBOC proponents keep the Commission informed of their field test results, it would be beneficial to have a separate IBOC proceeding started prior to the closing of the comment period for LPFM.

For the forgoing reasons, NAB supports the request by Greater Media, Inc. to extend the reply comment deadline in MM Docket 99-25 by 60 days or until 45 days after the issuance of a NPRM on IBOC digital radio, whichever is later.

Respectfully submitted,

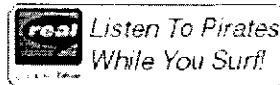
**NATIONAL ASSOCIATION  
OF BROADCASTERS**  
1771 N Street, N.W.  
Washington, D.C. 20036  
(202) 429-5430



---

Henry L. Baumann  
Jack N. Goodman  
Lori J. Holy

August 13, 1999



# FRN Grapevines

The FRN Vines  
 The Grapevine LPFM  
 My LPFM Comments

[Post A New Topic](#)
[Post A Reply](#)
[profile](#) | [register](#) | [prefs](#) | [faq](#) | [search](#)
**Author**
**Topic: My LPFM Comments**
**Jlentz**

posted 08-10-99 00:37 GMT/UTC

Well folks,

Looking at the latest FCC list of filings from people sending in comments regarding rulemaking and dockets.

I sent in my comments on July 23rd. As I looked thru the latest filings, etc in the FCC files, unfortunately I don't see mine as being received at all. Apparently they must not have received them. I sent it first class on July 23rd. I'm not happy that they didn't received them.

-----  
-John L

**Jon**

posted 08-10-99 01:42 GMT/UTC

John, that's a humungus listing! Are you sure you did not miss it or maybe its not entered yet? They do get behind many times.

Also, has any one found how to read the indivudual comments? Are they there some how?

Thanks, Jon

**Jlentz**

posted 08-10-99 02:00 GMT/UTC

Well....unless the FCC is behind and haven't recorded it yet. But they were sent out on July 23rd, 1st class...so that is a bit over a week before the Aug. 2nd due date.

-----  
-John L

**radiomike**

posted 08-10-99 02:22 GMT/UTC

You can read the comments on line. There are both Electronic as well as hard copy in PDF.

Use their ESL page, and you can see all the comments by date. You can try searching by name, but I could not get a successful search. The docket # is needed 99-25

**Greg Caliri**

posted 08-10-99 14:59 GMT/UTC

---

I too had the same problems. I filed comments. They did not appear on the ECFS.

I called the FCC repeatedly. The young man who I spoke with suggested I email the comments to him. They hit the bit bucket. My comments were not obscenity laced or rambling.

I refiled during the reply period. I made a notation that the FCC's electronic filing system is not ready for prime time. I sent them via snail-mail.

Remember, you are dealing with the government. A government agency. Things get lost. There are different attitudes toward lost items, and quality of work than you will find in the private sector.

It does not surprise me at all that some folks' comments hit the wastebasket.

So ...

Send them ex parte, registered mail return receipt, to the Commissioners' offices and the Office of the Secretary **\*\*AND\*\***

be sure to include a notation that your comments were "lost" by the whiz kids handling the paperwork at the Portals.

**unlicensed**

---

 posted 08-10-99 23:30 GMT/UTC   





better yet, send them in as reply comments. just reference some of the filings from this comment period. this method is a little more cumbersome as you're supposed to provide all the parties you reference in your reply-comments with copies.

if you really want your comments to count for something send them certified mail, fedex, ups or through a dc attorney. otherwise it's a crap-shoot. actually it's a crap-shoot anyway but don't let that stop you.

deadline for reply-comments is ? anyone? anyone?

**Jon**

---

 posted 08-11-99 04:03 GMT/UTC   

radiomike said:

Use their ESL page, and you can see all the comments by date.

Sorry to be such a dunce but where is this ESL page? I may have found the listing once but cannot again 😊 An exact url would help. Thanks.

Jon

**radiomike**

---

 posted 08-11-99 13:33 GMT/UTC   

---

Here is the URL:

<http://www.fcc.gov/e-file/ecfs.html>




I found the search by date works best, to view ALL the comments. I have had trouble when doing a name search.

**Jon**

 posted 08-11-99 23:59 GMT/UTC   

Many thanks RadioMike! I'll explore it tonight after work,  
J

**Greg Caliri**

 posted 08-12-99 01:05 GMT/UTC   

I spent some time on the phone - with both the operator of the ECFS and the Secretary herself.

I did mention that there is some skepticism among some - because those of us who are moderates, and are not linked up with any organization (Amherst, Skinner, CDC, etc.) haven't had their comments appear.

What is alarming is that two sets of comments of mine "disappeared" from the FCC.

**radiomike**

 posted 08-12-99 13:19 GMT/UTC   

I found CDC's comments and Skinner's long rhetoric. His comments appear multiple times, and contain nothing new.

 To close this thread, click here (moderator or admin only).

[Post A New Topic](#)

[Post A Reply](#)

Hop to:



[Go](#)

**Contact Us | The Free Radio Network**



[Chat](#) | [Market Place](#) | [Audio](#) | [Workshop](#) | [QSLs](#) | [Links](#)  
[A\\*C\\*E\\*](#) | [Featured Pages](#) |

© The Free Radio Network - Cruzan Information Systems Inc.